

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

BRENT RAY BREWER,	:	
Petitioner,	:	
v.	:	CIVIL ACTION NO. 2:15-CV-50-J
WILLIAM STEPHENS,	:	This is a Capital Case
Director, Criminal Institutions Division,	:	
Texas Department of Criminal Justice,	:	
Respondent.	:	

UNOPPOSED MOTION FOR EXTENSION OF PAGE LIMIT

Petitioner Brent Ray Brewer respectfully requests an extension of the page limit in this case and for leave to file an Amended Petition for Writ of Habeas Corpus no longer than 125 pages. In support of this motion, Petitioner avers as follows:

Petitioner filed a 99-page Petition for Writ of Habeas Corpus on August 3, 2015. ECF No. 19. On August 12, 2015, this Court granted Petitioner leave to amend his petition and noted that the original page limit of 100 pages would still apply to the amended petition. ECF No. 22 at 2.

An enlargement of the page limit is now necessary in order to fully inform this Court on the merits of Petitioner's claims for relief.

Petitioner's state habeas petition was over 400 pages long, not including attachments or supporting documents. Thereafter, the state habeas court held an evidentiary hearing. Undersigned counsel took great effort to condense and winnow this pleading, resulting in an initial federal Petition for Writ of Habeas Corpus less than 100 pages long .

Since filing Petitioner's initial Petition for Writ of Habeas Corpus, undersigned counsel has developed additional facts in support of the Petition. Undersigned counsel has secured both additional declarations from fact witnesses as well as a lengthy expert report. Undersigned counsel has made every effort to succinctly present these facts, as well as those in Petitioner's initial petition, to this Court. However, this task is difficult in light of the fact-intensive nature of many of Petitioner's claims. Thus, additional pages are necessary to plead these facts and explain their impact on Petitioner's claims for relief.

Additionally, Petitioner's Amended Petition now contains expanded yet succinct legal briefing, which undersigned counsel believe will assist this Court in evaluating Petitioner's claims for relief.

In light of the length of the state habeas petition, the fact-intensive nature of Petitioner's claims, and the development of additional facts in this case, Petitioner's request for leave to file an Amended Petition for Writ of Habeas Corpus no longer than 125 pages is reasonable.

Undersigned counsel has discussed this request with counsel for Respondents, who have indicated they are not opposed.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests an extension of this Court's page limit, allowing him to file Amended Petition for Writ of Habeas Corpus no longer than 125 pages.

Respectfully submitted,

/s/ Philip Alan Wischkaemper
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Dated: December 9, 2015

/s/ Peter Walker
PETER WALKER
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Eastern District of Pennsylvania
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused the foregoing to be served on the following person by ECF filing

Erich Dryden
Assistant Attorney General
Office of the Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711-2548

/s/ Peter Walker
Peter Walker

Dated: December 9, 2015

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with counsel for Respondent, Assistant Attorney General Erich Dryden, who indicated he does not oppose this motion.

/s/ Peter Walker
Peter Walker

Dated: December 9, 2015

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This is a Capital Case

WILLIAM STEPHENS,

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Director, Criminal Institutions Division,
Texas Department of Criminal Justice,

:

Respondent.

:

ORDER

AND NOW, this ____ day of _____, 2015, upon consideration of Petitioner's
Unopposed Motion for Extension of Page Limit, it is hereby **ORDERED** as follows:

1. Petitioner's motion is **GRANTED**;
2. Petitioner shall file an Amended Petition for Writ of Habeas Corpus no longer than
130 pages.

CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE